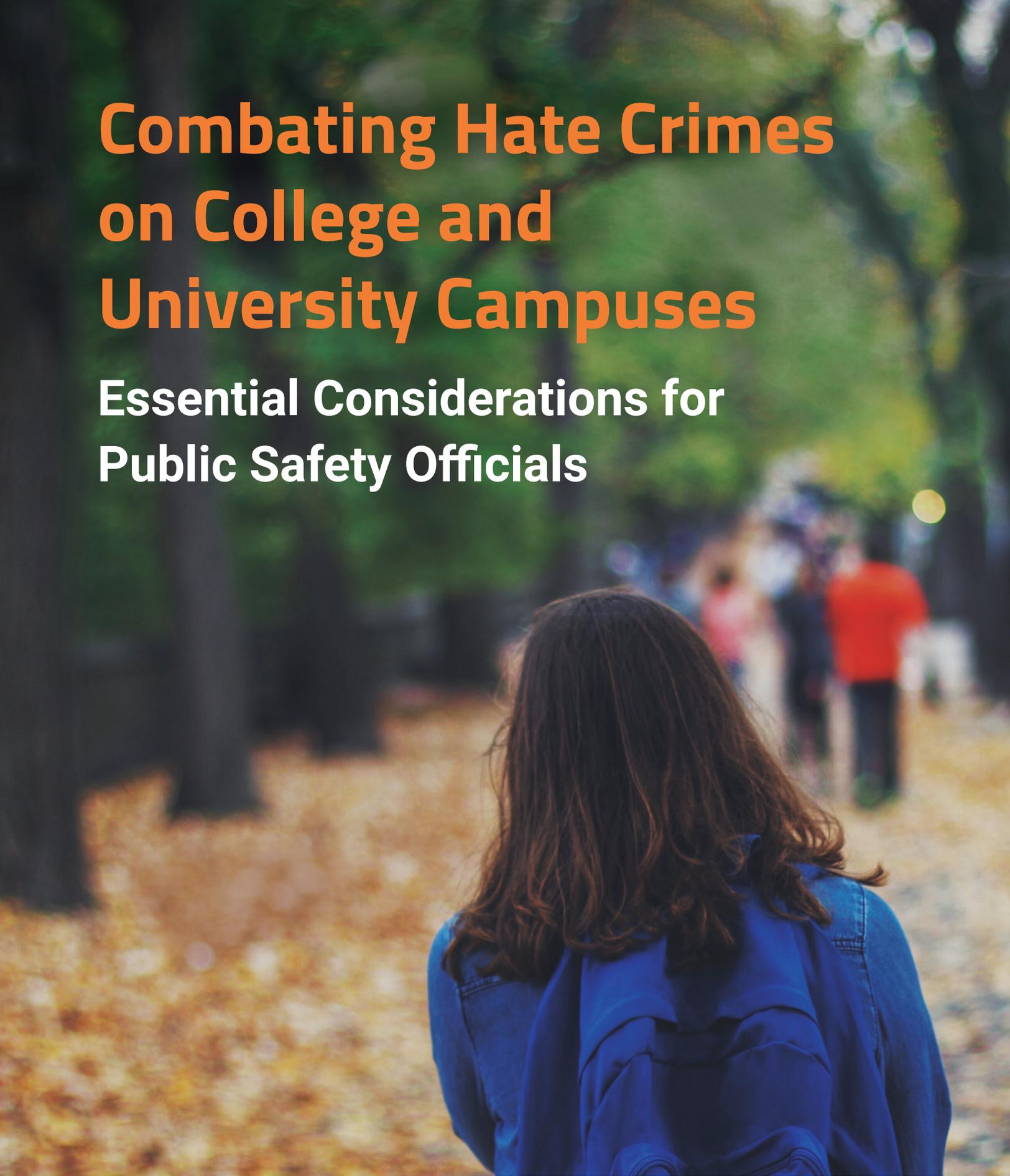


Combating Hate Crimes on College and University Campuses

Essential Considerations for Public Safety Officials



What is a hate crime?

According to the FBI, a hate crime is a committed criminal offense which is motivated, in whole or in part, by the offender's bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Even if the offender was mistaken in their perception that the victim was a member of the group they were acting against, the offense is still a bias crime because the offender selected the target because of one of the enumerated characteristics.

This is consistent with the [definition that is used by the Clery Act](#), a federal campus safety law, which requires colleges and universities to publish and disclose Clery Act crime statistics each year within their annual security reports (ASRs). The Clery Act also includes the bias category of national origin in addition to those listed in the FBI definition above.

Clery crime statistics reflect reports of incidents that align with the definitions of Clery crime categories, that occurred within Clery geography (four categories of geography defined in the Clery Act), and that were reported to a campus security authority (a reporting authority defined in the Clery Act). For Clery Act purposes, crimes that can be classified as hate crimes include criminal homicide, sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and damage/destruction/vandalism of property when those crimes are motivated by a bias on the part of the perpetrator.

Hate Crimes are sometimes referred to as bias crimes or bias-motivated crimes. The laws that govern investigation and prosecution of these offenses can differ from state to state and across jurisdictions within each state. An incident that does not rise to the level of a criminal act is called a hate incident, bias incident, or bias-motivated incident, which in certain instances may be subject to campus disciplinary action, civil remedies, and/or other penalties.

What are some indicators of a hate crime?

Generally, before an incident can be classified as a hate crime, sufficient facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. While no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias:

- The offender and the victim were of different identities (e.g. race, sexual orientation, gender or gender identity, etc.);
- Bias-related comments, markings, and/or words were heard or found at the scene of the crime;
- Several incidents involving victims that share an identity or are perceived to share an identity that was marginalized.

For more examples of facts that would support a finding of bias, refer to the FBI's Hate Crime Data Collection Guidelines and Training Manual, some of which are shared below. It is important to remember that it is essential to conduct a thorough investigation and case-by-case analysis of each crime that presents possible bias-motivated actions in order to make appropriate classifications of hate crimes.

The following indicators may help your institution differentiate hate crimes and bias-motivated incidents from other crimes:

- Signs, symbols, or words were used to indicate the crime was motivated by hate;
 - The incident occurred on or around a significant date (e.g. Hitler's birthday, Martin Luther King Jr. Day, Cinco de Mayo, etc.);
 - The victim is associated with public activities related to identity characteristics, such as race, color, religion, national origin, ethnicity, sexual orientation, gender, gender identity or expression, or disability (e.g. LGBTQ+ pride parade); or
 - The incident indicated possible involvement by an organized hate group (this may be indicated by the perpetrator wearing clothing patches or tattoos which indicate group membership or serve as evidence of bigotry).
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Why might individuals not feel safe reporting hate crime incidents to law enforcement or campus officials?

Research reflects that some of the most likely targets of hate crimes are the least likely to report those crimes to the police. It is important to understand and consider the barriers to reporting, which range greatly, but can include: fear of law enforcement, fear of retribution, fear of deportation, language barriers, embarrassment, cultural barriers, concern about making an aspect of the person's identity public, disability-related barriers, among many others. Broadening hate crimes reporting mechanisms, to include community-based sources, is an important step toward addressing this issue. It is crucial for targets and witnesses to feel safe and encouraged to report hate crimes when they occur.



What can campuses do?

Your institution should communicate your protocols for hate crimes and bias-motivated incidents to students prior to an event occurring. Students and employees should be informed of the ways in which their institution is there to support them should they become the target of a hate crime or bias-motivated incident. This can include, but is not limited to:



- Posting information around campus and online about what to do if someone believes a hate crime or bias-motivated incident has occurred;
- Providing campus community members with access to support resources that are not contingent on filing a formal report;
- Creating programming in collaboration with other departments and leaders around preventing and responding to bias and hate in all forms;
- Introducing available reporting mechanisms to students and employees at New Student/Employee Orientation;

- Clarifying what will happen when someone reports an incident, including supportive language; and
- Publishing and publicizing your hate crime and bias incident statistics.

Take time to learn more about your community and the identities that members hold so that it is more likely a hate crime will be identified as such.

Campus law enforcement and administrators need to be acutely aware of the speed at which information about incidents can spread on and off campus—particularly online, through the use of social media. In light of this, they should consider ways to streamline their own communication to ensure that the institution can respond quickly and effectively to fast-moving events.

Share messaging about what efforts your campus takes in response to bias-related incidents and/or hate crimes. This is important to help the community heal and move forward in the aftermath of a bias or hate-based incident or crime. It is important to show solidarity with the impacted group or community as well. Programs and efforts should come from across the campus community including, but not limited to, messages from law enforcement or diversity offices.

What messaging should we use when dialoging with our campus communities in the aftermath of an incident?

A bias incident – whether or not it is determined to be a hate crime – deeply impacts a community. It is important to inform the community that you are investigating an incident as a potential hate crime and to proceed with compassion. Communicate and collaborate with campus partners on messaging and response. Include in your messaging a statement denouncing hate crimes and bias incidents, as well as details about efforts your campus takes to educate all campus community members about bias-related incidents or hate crimes, and the importance of working together to prevent them from occurring.



Stress to the campus community the importance of reporting all hate crimes or bias-related incidents and remind them to include as much information as possible when doing so. Any witness or target can and should report a hate crime or bias-related incident to the extent they are comfortable doing so.

Even if an incident does not meet the criteria for being classified as a campus hate crime under the Clery Act, it does not mean it is not considered a hate crime in another jurisdiction, a violation of law, or a violation of an institutional policy. Clery Act crime statistics are one way to respond to the occurrence of bias incidents or hate crimes on campus, but prevention of and response to these incidents is an ongoing, community-wide effort.

Why is accurate reporting of hate crime data so important?

- Accurate reporting of hate crimes indicates that your agency and institution are committed to transparency, are taking these crimes seriously, and are investigating them appropriately.
- Investigating potential hate crimes and reporting of hate crimes allows for useful data to be collected and for community members to receive the necessary support.
- When institutions report hate crimes, the institution and entire campus community can work together to develop actionable and insight-based solutions to support vulnerable communities and fight hate.
- Acknowledging hate crimes and bias-motivated incidents is critical to creating a more open conversation locally and nationally about building more caring and resilient communities where everyone knows they belong.



Where and how should hate crime data be reported?

Prompt reporting by your communities of any potential hate crime or incident to law enforcement (either on or off campus) should be strongly encouraged. Ensure understanding that prompt reporting is important for investigatory purposes and to prevent further incidents.

Explain to your communities how to report to your agency as well as to local police.

Reporting to the Department of Education

In addition to publishing an annual security report (ASR) each year which contains Clery Act crime statistics, institutions of higher education must also submit those crime statistics directly to the Department of Education through an online survey. Anyone can review that information which can be found [here](#).

Reporting to the Federal Bureau of Investigation

Any university or college public safety department with an Originating Agency Identification (ORI) number, which is the nine character identifier assigned to an agency, can report hate crime data directly to the Federal Bureau of Investigation's Uniform Crime Report (UCR) and should utilize their state's established system for reporting. Public safety departments without an ORI number can work with other law enforcement agencies



within their jurisdiction and use the partner agency's reporting process to ensure hate crimes occurring on their campuses are fully reported. Agencies interested in obtaining an ORI number should contact the FBI, CJIS Division, CCA File Unit, at (304) 625-4543 to obtain one.

Reporting to ADL (Anti-Defamation League)

If you are responding to or investigating a potential hate crime, extremist activity, or an antisemitic incident, please contact your local ADL Regional Office by phone via adl.org/regions or online form via adl.org/reportincident. Founded in 1913, ADL is an anti-hate organization with a mission to stop the defamation of the Jewish people, and to secure justice and fair treatment to all. ADL works closely with law enforcement to assist them in protecting communities from extremism and hate and, as a leader in the fight against hate crimes, provides expertise in hate crime response. ADL also tracks extremist activity and antisemitic incidents in the United States, including incidents of assault, harassment and vandalism. This encompasses both criminal and non-criminal acts of harassment and intimidation, including distribution of hate propaganda, threats and slurs. ADL addresses both incidents on the ground and incidents of online hate and harassment.

Resources

[ADL Hate Crime Resources](#)

[ADL Hate/Uncycled Resources](#)

[ADL Online Hate Resources](#)

[ADL Hate Symbols Database](#)

[ADL H.E.A.T. Map](#)

[Clery Center: Explaining Hate Crimes Under the Clery Act](#)

[FBI UCR Hate Crime Data Collection Guidelines and Training Manual](#)

Campus law enforcement should also consult with counterparts at other institutions to share best practices and lessons learned.

Contact Information

If you are investigating a potential hate crime or responding to a bias-motivated incident, please contact your local ADL Regional Office via adl.org/regions.

For more information on college and university requirements under the Clery Act connected to hate crime classification and reporting please contact Clery Center (clerycenter.org) at info@clerycenter.org or 484-580-8754.

For more information on campus police/public safety's role in responding to hate crimes, please contact the International Association of Campus Law Enforcement Administrators (IACLEA) at info@iaclea.org or 855-442-2532.



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HATE / UNCYCLED

